IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Nobuyuki KIHARA, et al.   )
) Group Art Unit: 2143
Application No.: 09/674,441   )
) Examiner: Shin, Kyung H.
Filed: November 1, 2000   )
) Confirmation Number: 8620
For: DATA PROCESSING DEVICE,)
  DATA PROCESSING METHOD,)
  TERMINAL UNIT, AND   )
  TRANSMISSION METHOD FOR)
  DATA PROCESSING DEVICE)

Attention: Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

<u>REPLY BRIEF UNDER 37 C.F.R. § 41.41</u>

Pursuant to 37 C.F.R. § 41.41, Appellants present this Reply to the Examiner's

Answer mailed September 8, 2006.

REMARKS

I.   Status of Claims

In response to the Appeal Brief filed on May 26, 2006, the Examiner has

maintained the rejection of claims 1-4 and 16 under 35 U.S.C. § 103(a) as being

unpatentable over *Stock et al.* (U.S. Patent No. 6,011,858) in view of *Tanaka et al.* (U.S.

Patent No. 5,682,549)

II.   Response to Examiner's Arguments in the Answer

Appellants traverse the Examiner's rejection of claims 1-4 and 16 under 35

U.S.C. § 103(a). Appellants maintain that a *prima facie* case of obviousness has not

been established for reasons of record and for the additional reasons set forth below.

In the Examiner's Answer, the Examiner first equates the claimed "move/copy

history indicative of the movement of a particular file," to the recording of a completed

financial transaction on a biometric memory card, as disclosed by *Stock et al.* (*See*

Examiner's Answer, p. 10.) Subsequently, it appears the Examiner equates the claimed

"move/copy history indicative of the movement of a particular file," to a file structure for

storing personal information on the biometric memory card. (*Id.* at p.11.) In either case,

the claimed "move/copy history" is not disclosed by *Stock et al.*

Specifically, *Stock et al.* discloses that by recording a completed financial

transaction on a biometric memory card, "printed paper receipts that display [a] credit

card number and card holder's name are eliminated." (*Stock et al.*, 6:5-12.) Therefore,

the recorded transaction of *Stock et al.* does not disclose "storing move/copy history

2

indicative of the movement of a particular file when the particular file is moved/copied," as recited in independent claims 1 and 16.

In addition, *Stock et al.* discloses a file structure of the biometric memory card that "stores and maintains the personal information of the user for one or more applications." (*Id.* at 4:33-43.) *Stock et al.* does not disclose that the file structure "is a set of data structures consisted [sic] of multiple fields containing information concerning times, dates, filenames indicated the particular files(s) which are moved/copied utilizing this particular structure," as alleged by the Examiner. (*Examiner's Answer*, p. 11.) In fact, the Examiner has not pointed to any support for such a conclusion within *Stock et al.* Therefore, the file structure of *Stock et al.* does not disclose "storing move/copy history indicative of the movement of a particular file when the particular file is moved/copied," as recited in independent claims 1 and 16.

Independent claim 1, also recites "prohibiting the particular file from being moved/copied from said large capacity memory means to the non-volatile memory when said reference means has detected that the history information is stored in said memory means." Independent claim 16, although of different scope, recites similar subject matter. For a teaching of prohibiting the file from being moved/copied, the Examiner again equates the claimed "move/copy history" to the "file structure" of *Stock et al.* The Examiner further alleges that "these data structures consist of multiple fields containing information with an indication of whether it is history information." (*Id.*) However, *Stock et al.* only discloses that the file structure stores either "personal information of the user for one or more applications," (*Stock et al.*, 4:34-36) or "a biometric template of a physical characteristic of the user." (*Id.* at 4:44-46.)

Moreover, the Examiner interprets *Stock et al.* to disclose, "[i]f no history information exists, the particular file cannot be moved/copied." (*Examiner's Answer*, p. 11.) However, this is contrary to the claim language. As recited in independent claims 1 and 16, the particular file is prohibited from being moved/copied "when said reference means has detected that the history information is stored in said memory means."

Tanaka et al. does not disclose the claimed "move/copy history" or "prohibiting the particular file from being moved/copied" when the "history information is stored." Therefore, *Tanaka et al.* does not cure the noted deficiencies of *Stock et al.*

III.   Conclusion

Accordingly, for the reasons set forth above, supplementing those presented in the Appeal Brief filed on May 26, 2006, Appellants maintain that a *prima* facie case of obviousness has not been established. Thus, Appellants respectfully request reversal of the rejection of claims 1-4 and 16 under 35 U.S.C. § 103(a).

If there are any fees due that are not enclosed herewith, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: November 7, 2006   By: _____

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4